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DECLARATION V. MANIFESTO

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In this Bicentennial year, we have a double obligation. One is to examine as closely as possible, and to understand as clearly as possible, the basic political principles on which this country was founded. The other is to consider the problems that, two hundred years later, remain for us as a nation to solve in the light and spirit of those principles.

We must also consider—as the founding fathers did not consider—the role of America as a leading nation and a dominant power in the world of international affairs. In that larger world, two great

revolutionary documents are competing with each other. They are the Declaration of Independence and the Communist Manifesto, and they symbolize the world's division into opposing camps.

Détente may slow down the race between the rival forces in the field of arms, but it does not resolve the conflict in the sphere of ideas.

When we use the words "democracy" and "Communism" to symbolize the conflict between the revolutionary objectives of the Declaration and the Manifesto, we tend to think the conflict is irresolvable. We tend to think of the Declaration as calling for revolutionary changes in the sphere of political rights, and the Manifesto as calling for revolutionary changes in the sphere of property rights and in the distribution of wealth, or economic goods.

In the political sphere, the Declaration, for the sake of liberty and justice, lays down principles of government that are irreconcilably opposed to any form of despotism or dictatorship, even the dictatorship of the proletariat if that should be deemed necessary to achieve the economic objectives of the Manifesto. And the Manifesto, for the sake of equality and justice in the economic sphere, advocates despotic inroads not only on property rights, but also on individual liberties, with almost complete curtailment of freedom of enterprise.

As we examine this apparently irresolvable conflict, we must, in my judgment, ask ourselves the following questions: Is it possible to maximize the ideals of liberty and equality and do so without sacrificing the claims of either one to the other? Is if possible to realize the ideals of liberty and equality in both the political and the economic sphere?

If we give affirmative answers to these questions (as I will try to show that we can), one further question remains: Which of the two revolutionary documents contains, in its own terms and in the light of the interpretations put upon them since the documents were written, the principles that underlie the affirmative answers we seek? The answer to this question, in my judgment, is the Declaration of Independence, not the Communist Manifesto. I hope to be able to show that the Declaration, as a pledge to the future which has been partly fulfilled in the last two hundred years, and which can be further fulfilled in the years ahead, contains the principles by which we can reconcile just demands for both liberty and equality in both the political and the economic sphere. If, as I think, the Manifesto, as a pledge to the future, cannot be fulfilled in its hope for the ultimate withering away of the state, if the despotic regime

associated with the dictatorship of the proletariat must be perpetuated in order to preserve the economic arrangements of Communism, then the Manifesto does not contain—in itself or in its interpretation—the principles for reconciling liberty and equality in both the political and the economic sphere.

I have in these introductory remarks summarized my conclusions for which I shall now try to adduce persuasive rational support. I would like to add here only one further point of clarification. It concerns my use of the word “socialism” in contradistinction to the word “Communism.” If, as I have claimed, Communism in the economic order is inextricably connected with despotism in the political order, then political democracy and economic Communism are unalterably irreconcilable. I propose to use the word “socialism” in a sense that is not synonymous with the sense we attach to the word “Communism.” There is ample historical justification—and there is even support in the Communist Manisfesto itself—for distinguishing modes of socialism which, far from being identical with Communism, are opposed to it.

I will use the word “socialism” to name an ideal objective, in the economic sphere analogous to the ideal objective for which the term “democracy” stands in the political sphere. So used, socialism aims to establish liberty and equality in the economic sphere, as democracy aims to establish liberty and equality in the political sphere. Since the objectives of socialism can be achieved, in my judgment, without employing the means proposed by the Communist Manifesto, democracy and socialism are compatible, while democracy and Communism are not.

Of course, the Declaration of Independence was not dedicated to the establishment of either democracy or socialism as we now understand those terms.

In the eighteenth century, neither ideal had yet appeared on the horizon. However, in Abraham Lincoln’s interpretation of the document as a pledge to the future, the Declaration does contain principles implicit in which are the ideals of democracy in the political order and socialism in the economic order. That is why I think we can say that, as competing revolutionary documents, the Declaration should finally prevail over the Manifesto, not by force of arms, but by its fundamental rightness or soundness as a basis for the good life for all men everywhere and for the establishment of the good society.

I have now laid all my cards on the table. I propose to play them in the following order: (1) I will begin with an interpretation of the

Declaration as a pledge to the future. I will also try to indicate the steps by which we have so far fulfilled that pledge. (2) I will follow that with a commentary on the Manifesto, with particular reference to later additions by Nicolai Lenin and Nikita Khrushchev. (3) Then I will attempt to indicate how the apparent conflict between liberty and equality can be resolved, first, at the level of general principles; next, in the political sphere; finally, in the economic sphere.

In conclusion, I will try to say what we, as Americans, must do both at home and abroad if we wish the Declaration to prevail over the Manifesto.

In the opening lines of its second paragraph, the Declaration sets forth a number of basic and controlling principles. Four truths are asserted: that all men are created equal; that they are endowed by their creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness; that, to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed.

I begin by commenting on the second and fourth of these propositions, the one about unalienable rights, and the one about the purpose and justice of civil government.

Civil government does not have to be instituted in order to endow men with certain basic rights. Such rights are inherent in human nature. Being inherent, they are also unalienable: their existence does not depend upon constitutional provisions or legal enactments. But the fact that these rights are unalienable does not mean that they are inviolable. When men are murdered, their right to life is violated; when they are enslaved, their right to liberty is violated.

In a state of nature or anarchy, the individual would have to use his own power to protect his rights from threats by other individuals. Civil government saves the individual from recourse to self-help for the protection of his rights. And civil government is just in its origin only if it is instituted to secure—protect, safeguard, or enforce—these rights.

As a matter of fact, governments are not always just in their origin or institution. Some are imposed by force; some are tyrannies or despotisms which, far from securing these rights, violate or transgress them. It is by reference to these basic unalienable rights that

governments can be measured for their justice or injustice.

That, however, is not the only criterion of the justice and legitimacy of government. The Declaration calls our attention to another: that a just government derives its powers from the consent of the governed. Without such authorization, a government's power is nothing but coercive force.

"Consent of the governed" does not mean the consent of all who are in fact subject to government for infants and resident aliens are subject to government and their consent need not be sought. It means the consent of all who are capable of giving or withholding consent, or all who should be expected to do so. No one capable of giving or withholding consent is justly governed unless the form of government under which he lives is one to which he has freely given his consent.

The principle of consent of the governed defines the essence of constitutional government, as well as its justice and legitimacy.

That is this understanding of consent of the governed which Lincoln expressed in the first of his three prepositional phrases— government *of*, *by*, and *for* the people. There is no difficulty in understanding "government by the people." But "government of the people" is seldom properly understood. It does not mean what it is so often taken to mean: that the people are the subjects of government—those who are in fact being governed—for then government of the people would apply to despotic as well as to constitutional government. That little word "of" must be interpreted in the possessive sense of the preposition, as when we say *"la plume de ma tante"*—"the pen of my aunt."

Thus interpreted, a government of the people means the people's government—government that derives its existence, its authority, and its legitimacy from their having constituted it. Understood in this way, we realize that the government is not in Washington. What is there is only the administration of our government by its officeholders. The government that is ours resides with us, we who are the citizens and constituents of it, we who are the permanent and principal rulers. The officeholders—citizens in public office only for the time being—are the transient and instrumental rulers. They serve us. When we periodically change these officeholders, we do not change our government for another, but only one administration of government for another. When we impeach an officeholder, we do not overthrow the government. We merely remove from office a magistrate who has exceeded the authority constitutionally vested in his office and who wanted to be above

the law.

The second paragraph of the Declaration throws more light on the consent of the governed. It says that when a government either fails to secure basic human rights or violates them, the people have a right and a duty to alter or abolish that government and replace it by another which does what a government should do. This right derives from the people's right to liberty—their right to be governed as free men and women, not as slaves or subjects. Their duty derives from their obligation to make good lives for themselves in the pursuit of happiness. When that pursuit is impeded or frustrated by tyrannical or despotic government, the exercise of this right and duty involves the withdrawal of their consent.

Such withdrawal goes far beyond civil dissent which, when it is lawfully exercised, is dissent within the boundaries of consent. Withdrawal of consent, in resistance to tyranny or despotism, may be accompanied by resort to force and arms in a violent uprising. As long as we do not withdraw our consent by such action, we are tacitly giving our consent, even though we may wish to alter the laws and policies or amend the constitution of the government. By not withdrawing our consent we seek to achieve those alterations or reforms without resorting to force or violence.

The question that remains to be answered about the principle of constitutional government—a government of the people, a people's government—is: Who are the people? Is it the whole population, or only a part of it?

I will address this question after examining the other two assertions in the opening lines of the second paragraph of the Declaration.

I turn first to the proposition that all men are created equal, or what I regard as an equivalent statement—that all men are by nature equal. What is being asserted here is that no human being is more or less human than another. They are equal in their humanity. They all share or participate in the same specific human nature. Thus, they all have the same species-specific properties or powers, even though one person may have them to a higher or lower degree than another.

The many natural inequalities among human beings arise from these differences in the degree to which they possess the same human traits or properties. In other words, men are not only naturally equal as members of the same species; they are also unequal in

their natural endowments and individual differences as human beings. So, there is no incompatibility between the assertion that all men are by nature equal amid the assertion that they are also by nature unequal.

It would be a mistake to underestimate the importance of that one respect in which all, without exception, are equal. The equality they possess through their common humanity establishes their equal dignity as persons. More important still is the fact that from their equality as human beings flows their equal possession of the unalienable rights that are inherent in their common human nature and that constitute their dignity as persons.

The Declaration's assertion about unalienable rights enumerates life, liberty, and the pursuit of happiness. The enumeration is not to be taken as complete or exhaustive. The Declaration uses the phrase "among these rights." Other rights exist even though they are not mentioned here. And even rights not recognized at the time of the Declaration may, in the course of time, come to be recognized as unalienable or inherent human rights.

A second point that requires close attention is the phrase "the pursuit of happiness." In John Locke's enumeration of natural rights, the basic triad was life, liberty, and property; or life, liberty, and estates. Thomas Jefferson substituted "the pursuit of happiness" for property and estates. In so doing, he raised a question about the relation of the third element in the triad to the other two. The right to property or estates is coordinate with the right to life and liberty. But the pursuit of happiness is not coordinate or on the same level with the other two. George Mason, a fellow Virginian, had spoken of "the pursuit and attainment of happiness." Jefferson wisely dropped the words "and attainment."

My principal concern is with the meaning of the word "happiness." In the tradition of Western thought, there are two main conceptions of happiness, radically different and irreconcilably opposed. In both conceptions, happiness is an ultimate objective. It is something sought for its own sake, not as a means to some further good beyond itself. In both conceptions, a man is happy who has everything that he desires: he desires nothing more. But in one of the two conceptions—the one that predominates in modern times—happiness as an ultimate goal is a terminal end. This means that happiness is a goal that can be reached and enjoyed at one or another moment in the course of a life. The individual is deemed happy whenever, at a given time, he has satisfied all the desires he happens to have at that time. Accordingly, he may experience happiness at one moment, be unhappy at some later moment when his

desires are frustrated or unfulfilled, and again become happy at a still later moment.

In the other conception, which prevailed in antiquity and the Middle Ages, happiness as an ultimate objective is not a terminal goal, but only, a normative end. Happiness is conceived as the goodness of a whole human life and, therefore, as something which cannot be experienced or enjoyed at any moment during the course of a lifetime. A good life is one enriched by the possession of all the things that are really good for a human being to have. A good life, as the end that human beings should seek, is normative: it sets the standard by which the individual's actions should be judged morally according as they promote or impede the individual's achievement of the end.

The introduction of the words "good" and "should seek" calls attention to another, even more fundamental, difference between these two conceptions of happiness. In the modern conception of happiness, there is no reference to "good' or "ought." Happiness is conceived in purely psychological or nonmoral terms. It involves no distinction between what men do in fact desire and what they ought to desire. In this view, happy is the man who, at any given moment, has all that he desires, regardless of what his desires may be—good or bad, right or wrong.

In contrast, the ancient conception of happiness is not psychological at all; it is a purely ethical conception of the good life. It distinguishes between good and bad desires or right and wrong desires. As Saint Augustine puts it, happy is the man who, in the course of a lifetime, has satisfied all his desires, provided he desire nothing amiss.

Aristotle said that a good life is one lived in accordance with moral virtue. Moral virtue consists in the habitual disposition to desire nothing amiss—to act on right desires, and to avoid acting on wrong ones.

A useful distinction here is between natural human needs and individual human wants. Needs are desires which are inherent in human nature. They are the same for all human beings everywhere and at all times. Wants are desires which arise in individuals as a result of the particular circumstances of their own lives. One individual's wants are likely to differ from another's and the differences in their wants are likely to bring them into conflict with each other.

Needs, as Lord Keynes observed, are desires so basic that they ex-

ist without regard to what is offered in the marketplace and without an individual's comparing his own condition or possessions with those of others. In contrast, wants are desires that are induced by what is offered in the marketplace and are augmented and intensified by an individual's comparing what he has with the possessions of others. Needs are absolute; wants are relative. Needs are desires that may or may not be consciously felt; wants are always consciously felt desires.

Almost all of us want things that we do not need, and fail to want things that we do need. Needs are always right desires; there can be no "wrong" needs. But there can be wrong or misguided wants. What we want may be something either rightly or wrongly desired, whereas anything we need is something rightly desired. A man never needs anything that is not really good for him to have. But he certainly can and often does want things that are not really good for him.

Happiness, then, consists in having all the real goods that are rightly desired because they are things every human being needs to lead a good life. To desire nothing amiss is to seek the satisfaction of all of one's needs and the gratification of only such wants as do not frustrate the satisfaction either of one's own needs or of the needs of others.

We can now see which conception of happiness makes the Declaration's assertion about the pursuit of happiness true rather than false. If happiness consisted in each individual getting what he wanted, government could not secure rights that enabled each individual to strive for happiness, since one person's wants may and often do conflict with the wants of others. Also, government would be involved in facilitating the satisfaction of wrong desires as well as right desires, without any differentiation between them.

Only on the ethical conception of happiness can government try to provide all its human members with the external conditions they require in order to make good lives for themselves. The actual attainment of happiness, the actual achievement of a good life, is beyond the power of government to provide, because such factors as moral virtue are involved, and these are internal—within the power of the individual.

All that a government can do, negatively, is prevent individuals or corporations from doing anything that impedes or frustrates the pursuit of happiness by others, and, positively, provide political, economic, and social conditions that facilitate the pursuit of happiness by all.

So, pursuit of happiness stands in a very special relation to life, liberty, and all other natural rights. The pursuit of happiness—the making of a good Iife—is the normative end for which all the things to which a person has a natural right are the indispensable means. Strictly speaking, we have a duty, not a right, to pursue happiness, to make good lives for ourselves. Precisely because this is our fundamental moral obligation, we have a right to everything we need to pursue happiness; we have a right to every real good that is a component of a good Iife as a whole.

The foregoing statement must be qualified. There are certain real goods, which are indispensable to the pursuit of happiness, such as moral virtue, to which it would be meaningless to claim a right, because they are entirely within our own power to possess or not possess. The only real goods to which we have a natural right are those that are within the power of civil government to provide or secure, such as the right to life or the right to liberty. These are external goods like liberty or wealth, not internal goods like virtue or knowledge.

In summary, human beings, since they are morally obligated to engage in the pursuit of happiness, have unalienable rights to life, to liberty, and to all the other external goods that they need in this effort and that a civil government can provide or secure.

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